A Classical Paranotae Hemicide, Says Dr. Flint A Degenerate Paranolae. says Dr. Hirsch-Both Declare That Thaw is a Dangerous Lunatic Now.

WHITE PLAINS, Aug. 3 .- Harry K. Thaw sat in the Supreme Court here to-day and heard the alienists for the State call him all of the hard names in psychiatry. While they were analyzing, dissecting and appraising his mental equipment from the witness stand Thaw swapped jokes with District Attorney

"A true paranoiac," said Dr. Flint, one of the heaviest guns in the State's artillery, and Thaw wrote out something on a slip of paper and handed it to Jerome; they laughed together. "A degenerate paranoiac" was the contribution of Dr. William Hirsch, and Jerome touched Thaw on the shoulder and whispered comething in his ear that brought a grin to the lips of the Matteawan prisoner. All of this went on within two hours

after the time that Thaw himself had sat white lipped and afraid in the witness chair to undergo the examination of Jerome, following the testimony of Dr. ter, acting superintendent of the Matteawan State Asylum for the Criminal Insane, which was that the man whom had had under observation for eleven nths was a maniac. Dr. Baker had stified that no signs of an improvement had appeared in the condition of

The change that swept over Harry Thaw was almost instantaneous. At one minute he sat on the witness stand inert, halting in his speech, gaping under stress of the excitement that rode him; at another minute he was chatting with the District Attorney as easily as if the two men were at dinner together. The definition of paranoia that was given by the State's experts had it all the time that one suffering from such an affliction was particularly keen in concealing the symptoms of his disease

One fact stood out from the mass of the day's evidence taking, and that was that Thaw's attorney thinks he has in reserve important evidence to offer in support of the statements concerning the practices of Stanford White which Thaw has put forth as fact and which the State's alienists have counted as usions. While Thaw was on the stand in the morning Mr. Morschauser had him identify an affidavit which was made at about the time of the tragedy on the Madison Square roof garden by a woman of the name of Ada G. Dickhart. Although this affidavit was not entered as an exhibit yesterday it was understood that it was intended to bear out Thaw's contention that White was guilty of the practices which have been credited to him by the man now undergoing examination as to his present sanity. Whether it is finally entered as an exhibit in the present suit remains subject to expedi-

The half hour which caused Thaw to sel was occasioned by the intervention

position. Do you take the position that after your observation of Mr. Thaw and your study of the problem presented by his case you have reached a firm, full and conclusive decision that he is insane or that he is not? Or is it your position that you have not had sufficient opportunity to study the case to enable you to reach such a decision one way or the other?"

"Our position is that we have had only a limited examination," replied Dr. Baker, after an objection by Morschauser had been overruled, "but I should say that the man is now insane."

Thaw gazed at the witness with fluttering fingers about his mouth. Alternately he cast his eyes from the face of the Justice to that of the man who may continue to be his master in the asylum should his present contention before the court

the cast his eyes from the face of the Jus-tice to that of the man who may continue to be his master in the asylum should his present contention before the court fall. Justice Mills asked Dr. Baker if he did not think that the opportunities for examination of Thaw that he had had were sufficient for the basing of a definite conclusion on his part. Dr. Baker replied that they had not been sufficient

"Now, I don't quite understand why that opportunity of observation (eleven months) has not been ample to enable you to reach a full conclusion on this point," Justice Mills insisted.

point," Justice Mills insisted.

"This man has not answered questions! I put to him, on the advice of counsel,"
Dr. Baker replied.

"But from your notes it seems to me that, he answered nearly all of your questions during the first three months of his stay."

was acquitted on the ground of insanity and I sent her to your institution. She remained there three months and then remained there three months and then you certified that she was not insane and should be discharged. But you hold that you have not had sufficient opportunity have to reach a full decision on this

tunity here to reach a full decision on this man's case?" Baker assented and Justice Mills Dr. Baker assented and Justice Mills then asked him regarding his answer to one of Jerome's questions, which had been in substance that Dr. Baker could not see that any change had come over Thaw's comdition since the Poughkeepsic hearing of June a year ago. There had been no change for the better or worse, the witness replied in answer to the question of the Justice.

A few more questions Justice Mills

A few more questions Justice Mills asked as to Dr. Baker's competency to judge of his patient's mental co ndition through the limited opportunities imposed by Thaw himself and then he put the direct quiz that probably will weigh heavily in the final summing up of the case in Justice Mills's mind:

"From your observation of Them and

that he is a danger to the public safety?"

"Yes. I do." the witness replied, and Thaw settled lower in his seat. Before Thaw had had opportunity to recover from the shock of Dr. Baker's testimony Jerome called him to the stand. The man went to the chair only after he had made an excuse to leave the courtroom for five minutes and it was evident that he was making every effort to get a grip on his shaken nerves. The District Attorney immediately produced more of Thaw's writings—this time they were advisory notes prepared by him for Delmas. Thaw said—and upon these scrawls Jerome opened a merciless attack.

One of the notes dealt with the advice Thaw had given Delmas in reference to Jerome's appearance at a certain restaurant with Abe Hummel at the time that the lawyer's acts were under consideration by the District Attack.

awyer's acts were under consideration by the District Attorney. It read in the ollowing abbreviated fashion:

Who connected him (Hummel) with Jerome? Let him show comradship be-tween Jerome and any others. Ask Hummel how he met White. Afterwards relegated many girl victims for W. early 1902. Did you pay Edna Goodrich and her mother \$5,000 for White in parlor while S. W. waited upstairs? White in parlor of Hummel's

Carvalho can explain. The document could be photo on a notary public jurat (N&) a signature of forgery of Evelyn Nesbit photo on. The name Dellis was unknown to Miss Nesbit or Hummel or White in 1903. Thereupon it may not be was criminally stamped on a jurat by

Another scrap of Thaw's advice to Delmas, which like the last had been produced before the commission in lunacy in the first trial, as Jerome told the Court, was then handed up to the witness for his reading. A part of it went in this wise:

We went to Martin's and saw a nice looking girl-E, may not know her name. I raved at the damnable outrage and said the Commissioner of Water Supply, Gas it was a hideous shame that two years agos and Electricity was empowered to "pershe was a good girl until the B- sent her

of Matteawan—followed him in a scientific way of course. He was most positive in the characterization of Thaw as a true paranoiac. After Jerome had read to him an amended hypothetical question, which elaborated on all of the State's question in the first trial for murder and Littleton's hypothetical question in the second trial, Dr. Flint said unhesitatingly that in his opinion Thaw was at present a dangerous lunatic.

"The circumstance that makes me positive in my diagnosis is the character of the homicide itself," said the witness. "It was a classical paranoiac homicide. Paranoiac's homicides are done usually in a public place and in a heroic manner, because the perpetrator believes that he is doing a justifiable thing. Another convincing feature is that a paranoiac always resents, as Thaw resents, the imputation that he was insane when he did the murder. His characterization of the killing of White as 'an act of Providence' was typically a paranoiac's viewpoint.

After Morschauser had tried to shake

USE FOR FLUSHING BAY DIKES.

Real Estate Company Would Remove the Improvement That Ruined the Bay.

An unusual fate is in store for the series of dikes which the national Government built in Flushing Bay a number of years ago. Appropriation after appropriation was obtained by Congressmen from Long Island for the building of these dikes, ble channel. Thousands of tons of stone taken from Hell Gate at the time the big reefs in those waters were blasted out were dumped into the dikes, but the work instead of deepening the channel had the opposite effect until from a deep water bay it has gradually been changed into a shallow, muddy expanse of water navigable only by rowboats at high tide. For several years demands have been made for the removal of the dikes, but no appropriation has ever been allowed for that purpose. Within the last few weeks, however, a solution of the problem has been offered by a local improvement company that is filling in the Flushing meadows and building canals and wharves. The company has volunteered to remove the dikes free of cost in exchange for the stone they contain. The stone would be "No, not all."

Justice Mills wished to know if ultimately Thaw had not answered practically all the questions and if, taken as a whole, these answers had not covered the subjects of inquiry.

"Well, they cover the subject in a way," replied the witness, "but in his answers regarding the killing of Stanford White he would use metaphors, and when I would press him to be more specific he would fall back on the advice of counsel and refuse to answer."

"You remember the case of Jennie Burch," Justice Mills continued, "which was tried before me in March, 1907? She was acquitted on the ground of insanity and I sent her to your institution. She remained there three months and then you certified that she was not insane and should be discharged. But you held brought to the place by train or boat.

The pressure was high over most of the country yesterday, excepting for a depression over the extreme Southwest and a small disturbance central over Minnesola. The latter was causing

yoming, Colorado and the Missouri Valley and Virginia and the Carolinas. Higher temperature occurred in Nevada, the north Pacific States, New England, New York and Pennsylvania.

posed by Thaw himself and then he put the direct quiz that probably will weigh heavily in the final summing up of the case in Justice Mills's mind:

"From your observation of Thaw and your study of the full history of his case have you reached a full and firm conclusion as to his present sanity or insanity?"

"That includes my study of the testimony of the various trials and the exhibits as well as the full medical history of the case?" queried the asylum physical "Oh, yes; everything."

"Oh, yes; everyth

"JOKER" IN DEED TO THE CITY?

QUEENS WATER CO. RESERVES A RAILROAD PRIVILEGE.

ity Bought a Strip of Its Land for \$29.-000 and Finds in the Deed as Signed That the Water Company Can Run a

Another peculiar situation came to light yesterday concerning the negotiations for the purchase by the city of land inder which a big main is to be laid to bring additional water supplies to Brookiyn from Nassau county. At a hearing held by a committee of the Sinking Fund Commission on a proposal to ratify a con-tract between the city and the Long Island Railroad Company, whereby the city would purchase about six acres of the company's land, Mortimer J. Brown, the ad of the real estate division of the Finance Department, objected to the carrying out of the contract on the ground that the city would be making a bad deal. He showed that while the city would be able to lay the main under the company's property the proposed contract gives to the company in return for this privilege the right to lay tracks, sidings and cros ings on fifteen miles of strips of land aralleling the company's lines, between the city boundary and Massapequa, which the city has bought for the new main.

Mr. Brown also asserted that in the original

inal draft of the agreement which was submitted to the Sinking Fund this provision did not appear and that it must have been inserted surreptitiously. Under the clause to which Mr. Brown objected the Commissioner of Water Supply, Gas mit" the company to use the surface of In explanation of these notes Thaw said that they had been prepared for the use of his counsel and that as to Jerome having lunched with Hummel. he had learned about that from reading the papers. Jerome railed at Thaw having prepared anything for the final disposition of his counsel, unhindered by his own fiat. Did the witness mean to say that at any time he had been so docile and amenable that he had not tried in his own way to conduct his own case over the heads of his counsel?

"The only time that I disagreed with Mr. Delmas," replied Thaw, "was when I suggested that he put Carroll Beckwith on the stand as a witness and he refused to do so."

I the company to use the surface of the city's property, but as Mr. Brown pointed out the company once having laid its tracks it would be practically impossible to oust it and the permit would be therefore a franchise in perpetuity.

It was discovered yesterday by Mr. Brown that two miles of the embedding of the main was owned by the Queens County Water Company. These two miles are in the villages of Lynbrook and Valley Stream (outside the city limits), and the city contracted to buy the land to the stand as a witness and he refused to do so."

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"The only time that I disagreed with Mr. Delmas," replied Thaw, "was when I suggested that he put Carroll Beckwith on the stand as a witness and he refused to do so."

Jerome, seeing the chalk white of Thaw's face and the fluttering of his facial muscles, hectored him further in regard to the rhetorical allusion to a green pencil with the white light excluded that the witness had turned over to his counsel as an effective weapon in summing up. Thaw kept his nerve until the Justice declared the noon recess.

Dr. Flint, who was the first witness to take the stand in the afternoon, is one who had, by his own admission, done nothing else but follow Thaw through all the vicissitudes of his trials for murder and his attempts to get free of Matteawan—followed him in a scientific way of course. He was most positive in the characterization of Thaw as a true paranolac. After Jerome had read to him an amended hypothetical question, which elaborated on all of the State's question in the first trial for murder and Littleton's hypothetical question, which elaborated on all of the State's question in the second trial, Dr. Flint said unhesitatingly that in his opinion Thaw was at present a dangerous lunatic.

"The college of Lyphrook and Valey Stream (outside the city limits), and the city contracted to buy the land for \$29,000. A draft of the deed was signed to the Sinking Fund Commission and apparently it gave to the city entire ownership without qualifications. But the deed itself as signed for the city by the Mayor and Comptroller to maintain a two track, steam standard gauge railroad on the surface. In a report made yesterday to acting Mayor McGowan by Mr. Brown it is understood that the charge is made that this clause was a "joker" which was alipped into the deed between the first draft and the final copy and that the charge is made that the char

sel was occasioned by the intervention of Justice Mills in the examination of Dr. Baker of the Matteawan asylum. It was after Morschauser had closed with his cross-examination of the asylum governor that the presiding Justice took a hand Justice Mills seemed to have clinched a hard point against Thaw in the brief examination which he conducted.

"Now, Dr. Baker," he said, "I consider you a very important witness in this proceedings. You are a public officer charged with the administration of public affairs in a just and equitable manner, just as I am myself, and therefore I want to ask you a few questions.

"I want to know just what is your position. Do you take the position that each of the problem of the problem of the problem of the problem of the state to say that in his opinion.

"I'wour stay of the problem presented by the intervention of Dr. Britton of Dr. Britton of Dr. Britton of Justice Mills in the examination of br. When he aswore said Nemeth and that there has been some tangle scents. Thaw resents, the imputation that he was insane when he did them, his wife and child were not in the building of the new main and that there has been some tangle of the agreements. Mr. McGowan said yester that his wife the sinking Fund Commission be carried by the observation of br. Although Mr. Brown is hinting at the building of the new main and that the the building of the new main and that the the building of the new main and that the the season because the proper with the administration of publi

thirty miles away from the nearest tele-graph station.

Until these officials return to town no action will be taken on the tentative agreement with the Long Island Railroad Company or on the signed agreement with the Queens County Water Company. The \$20,000 which this latter agreement calls on the city to pay has not been handed over and Mr. McCooey said yesterday that he would not pay the money until Mr. Metz's return.

terday that he would not pay the money until Mr. Metz's return.

The Long Island Railroad Company, it was said yesterday in the Finance Department, pays an average of about \$100 a year each for the right to make crossings over city property. It was estimated that if the arrangement made between the Water Department and the company went through the company would save \$50,000 a year on the crossings it intends to build on the fifteen mile strip of city property.

ARMY DIVORCE SCANDAL.

Lieut. Weusthoff Alleges That Other Officers Flirted With His Wife.

CINCINNATI, Aug. 4.-When Lieut. Hans Weusthoff retired from the service some time ago there was much comment which were intended to deepen the naviga- in army circles. In his petition for ble channel. Thousands of tons of stone divorce filed here to-day, Wuesthoff tells

Mrs. Weusthoff, whose home was in San Antonio, Tex., accompanied her husband to the Philippines in 1904. He was put in charge of the Philippine Scouts man, Guerneras, P. I. The

TIME FOR THE WEST TO SPEAK.

Gov. Johnson Would Have That Section Show Its Power in the Nation. SEATTLE, Wash., Aug. 3 .- "It is time in this city the day was generally fair; little that the West threw off the shackles of the

ROCKEFELLER TICKET WINS. Young John D. and His Wife at the Elec

tion and Are Please TARRYTOWN, Aug. 3.-The Rockefeller school trustee ticket at Pocantico Hills was elected to-night. John D. Rocke feller, Jr., and his wife attended the meeting in the school house and both were greatly pleased at the result of the elec-

Mrs. Rockefeller is a member of the visiting committee of the school, and Mr. Rockefeller is ambitious to have it the best public school in New York State That was why he interested himself in the selection of a new set of trustees The Rockefeller ticket as it was originally put in the field contained the names of Charles M. Ramsey, Oscar Bodelsto Mrs. Ellis M. Milton and Lawrence W Mr. Ramsey lives on the Rockefeller

place at Pocantico Hills, and strong opposition developed to his candida ohn D., Jr., finally went to him and go im to withdraw, substituting the name of William E. Knight, a lawyer. It was the Rockefeller dominance would make a fight. Apparently the Rockefeller forces ntended to be on the safe side, for the meeting to-night was packed with employees from the Rockefeller estate and

When Mr. and Mrs. Rockefeller reached the school house every seat was taken. An Italian sitting on one of the little desk seats gave up his place to Mrs. Rockefeller and an Italian woman offered a similar seat to Mr. Rockefeller. He told her to keep her place and accepted an invitation to share the seat with her. Half of the votes cast at the meeting were by women The opposition didn't even peep.

Mr. and Mrs. Rockefeller shook hands

with the new trustees after the victory.

MOTHER AND BABE DROWNED. Young Wife's Husband Arrested in a Bar-

room and Held in \$3,000 Ball. Clasping in her arms her eight-monthd child Aleck, the body of Mrs. Julia Nemeth, 21 years old, was taken from the Morris Canal near Frederick street, Newark, yesterday. Following the finding of the bodies Frank Nemeth, the husband, was placed under arrest on a technical charge of assault and battery. He was held in \$3,000 bail pending an investigation. After hearing the various reports of his men acting Captain Barnett of the Third precinct said that in his opinion Mrs. Nemeth had probably committed

ing. He first thought it was a bundle could see that the woman was holding the figure of a babe with its face looking up into hers. Holden telephoned word of his discovery to the Third precinct station and policemen were sent out. In a short time a crowd gathered and a boy who gave his name as Samuel Gallowitz identified the body as that of Mrs. Nemeth. Patroiman Miller went to the Nemeth house, but the husband was not at home. He was directed to a nearby barroom, where he found Nemeth and arrested him. The husband asserted that on Monday night after dinner his wife took the babe into another room and he lay down on the bed. When he awoke yesterday morning, the police said Nemeth told them, his wife and child were not in

FUSS OVER CHUNG SING.

If He's Arrested as Murder Accessory He

Chung Sing, the star witness against Leung Lim, the supposed murderer of Elsie Sigel, whose habeas corpus pro-ceedings to obtain his release from the House of Detention are pending before Supreme Court Justice Brady, was taken before Justice Brady again yesterday, this time on the application of Assistant District Attorney Mayper, to have Chung committed under heavy bail as a witness. To the application was attached an affidavit setting forth statements of witnesses that Chung helped move the trunk and was therefore really an

accomplice.
Nathaniel Cohen, counsel for Chung

at Camp Jossman, Guerneras, P. I. The first notice he had of her flirtations, he charges, was when he was ordered to take the field against hoatile natives in Luzon.

When he returned, he found she had the first taking with her his horses, carriages and dogs. He learned that she had gone to Camp Connell, Calbayog, P. I. He charges that there she first associated with a dashing young officer named William Quinton. Her actions in the camp, says the petition, "created public scandal," and because of the attentions the officers were showering upon her she was ordered to leave by the commanding officer.

She returned to Camp Jossman, where it is charged, she continued her fiirtations until she was ordered to leave "for the good of the service." Her conduct, he says disgraced him so that he gave up his commission and retired from active service.

Weusthoff is living in Cincinnati. He says he will produce more testimony implicating officers of high rank in the army when the case comes to trial.

TIME FOR THE WEST TO SPEAK.

Service Commission has ordered the Buffalo, Rochester and Pittsburg Railway Company to improve its service between Silver Lake Junction and East Salamanca by providing an additional train each way daily. The service will be tried for six months, the company to furnish a statement showing the passenger receipts In an opinion written by Commissioner Cat. ae the commission holds that a railroad company is bound to supply railroad company is bound to supply adequate and reasonable passenger service; and in a case where access to a county seat from a considerable part of the county is concerned additional service sufficient to meet the reasonable requirements of the part of the county affected and beyond what would otherwise be reasonable may properly be required, and that the commission may order temporary changes or additions in service for the purpose of making a test case as to whether a proposed change or addition is reasonable or necessary.

or necessary.

The opinion cites that it is the settled policy of the commission that local traffic must be taken care of in a reasonable manner, having full regard to all of the circumstances of the case.

FREESE IS HELD FOR TRIAL

MISS MAIDHOF SAYS HE GAVE HER FORGED CHECKS

and Told Her He Often Did Things Like That-Detective Says Lawyer Offered Him S15 to Drop Case-Woman's Real Name Is Grace Richardson

John Henry Freese, a lawyer of 25 West forty-second street, had a hearing before Magistrate O'Connor in the West Side court yesterday afternoon in regard to the orgery charge made against him by his former client Grace Maidhof, who is in the Tombs awaiting trial in General Sessions for larceny, and his former law clerk Ralph H. S. Whitney. He was held for trial in the General Sessions, and his bail of \$3,000 was continued, although his counsel, J. E. Murphy of 42 Broadway. asked that it be lowered to \$2,000, an amount which Freese's friends are willing

Assistant District Attorney Rice called Miss Maidhof as the first witness.

"On June 2 I called at the office of Mr. Freese and asked him for a loan. He gave me a check for \$15 on the Irving National Bank. The check was signed Edward E. Benedict. I told him that the heck was not signed by him, but he said that it was all right and that he often did things like that. He made the check payable to me.

"I did not see him again for about four days. At our next meeting he asked sponded yes. Later I heard Mr. Freese tell Mr. Whitney in Mr. Freese's office to write out another check. Mr. Frees told Mr. Whitney how to make it out. I received about twelve checks in all and cashed them. I did not know that the checks were not legal. The money I secured by cashing them I turned over to Mr. Freece and Mr. Whitney, and they divided it between themselves. My share came in the form of money which paid our [Whitney's and Miss Maidhof's] house expenses.

aid our (Whitney's and Miss marking of the course expenses.

"My true name is Grace Richardson. I came here from St. Louis and have been employed as a telephone operator in the King Edward Hotel and the Hotel Buckingham. I lived with Mr. Maidhof in San Francisco. I was not working when the chack in question was given to me. the check in question was given to me. After that I did not call at Mr. Freese's office for the checks. They were sent

After that I did not call at Mr. Freese's office for the checks. They were sent to me by mail. One I cashed for \$23.75. I took the money to Mr. Freese's office, but finding that he was not there I left it on his desk."

Whitney was the second witness. His statements in the main substantiated those of Miss Maidhof. He said:

"I was not employed by Freese, but acted as an assistant to him and got a rakeoff on his business. When he made out the check for Miss Maidhof on June 2 I asked him if he had the right to sign the name of Edward Benedict, and he said he had."

Detective Christopher C. O'Brien, who

the name of Edward Benedict, and he said he had."

Detective Christopher C. O'Brien, who arrested Freese, testified that when the case first came up Freese offered him \$15 to stop any prosecution. He said that Freese explained to him that at that early stage when Miss Maidhof was the only one under arrest it would be an easy matter for the detective to withdraw the charge against her and let the whole matter drop.

Whitney has not yet married Miss Maidhof, but they both say that the ceremony will be performed as soon as possible. Whitney says that as soon as he is freed he is going to write an atricle for a weekly exposing "the ville treatment received by prisoners at the Tombs."

"I have not had a square meal since I have been leoked up," said he.

WON'T REELECT HAFFEN

Char'es F. Murphy came in from Good Ground yesterday to make his usual Tuesday visit to the Fourteenth street headquarters. There were published yesterday reports to the effect that an appeal mrs. Mary Sep of 169 Ferry street, a sister of the dead woman, made a signed statement to the police in which she asserted that Nemeth has ill treated his wife. About a week ago, Mrs. Sep alleged, Nemeth told her that he was going to shoot his wife. Mrs. Annie Marabocky, who lives on the floor above the Nemeths, said she heard Mrs. Nemeth screaming after midnight last night. She said that she heard a sound as if a body was being dragged across the floor. She said that she went downstairs and opened a door leading into the apartment. As she did this, she averred, Nemeth sprang forward and closed the door.

would not say anything yesterday concerning these reports, but he will not stire a hand either for or against Haffen. For one thing, Mr. Murphy thinks that it will be time enough to think about The Bronx when Haffen has actually been removed; but even should he be removed it is the intention of Mr. Murphy to let the Tammany leaders of The Bronx decide for themselves whether or not they want him to be reelected.

As was told in The Sun a few days ago, it is practically a certainty that if Haffen should be ousted he will not be reelected.

The Tammany district leaders of The Bronx, with the exception of W. E. Morrisof the Thirty-fift district, do not hesitate to say that Haffen has been losing popularity in the last two years and that to reelect him would be bad politics and would endanger the chances in The Bronx at the November election. Haffen has made many enemies by apportioning the best jobs in his bailiwick among relatives and personal friends and it is said has in consequence considerably weakened the Tammany organization in The Bronx.

Should Haffen be removed the new president will probably be Arthur H. Murphy, the leader of the Thirty-fourth district.

MUST BECOME BANKRUPT.

Law Does Not Permit Composition Offered by Frazin & Oppo

Judge Hand of the United States District Court has refused to confirm the composition of Frazin & Oppenheim, dealers in shoes and cloaks in Sixth avenue and other places in this city. Philadelphia and Chicago. The offer was 75 cents on the dollar in cash and stock of a new corporation. It is not confirmed on the representation that Mr. Frazin made a statement of the firm's condition which he knew to be false, showing liabilities of \$283,000 when they really were \$760,000, and on the ground that to confirm the composition would be to give both bankrupts a discharge. The Judge said: "I cannot confirm this compo sition and so discharge both of the bank sition and so discharge both of the bank-rupts if one of them has been guilty of fraudulent misrepresentation. The com-position must stand or fall as a whole, and it is as a piece of that whole that Frazin shall be discharged. I cannot discharge him, and so I must refuse to confirm the composition."

him, and so I must refuse to confirm the composition.

The Judge reached this conclusion with a great deal of regret, as only a small percentage of oreditors objected. But he says that since Congress has not provided any means by which a composition can be effected without a discharge and has given to any creditor the right to oppose the composition in cases where a discharge should not be granted, the Judge should assume no right to himself to violate the explicit letter of the statute.

The composition was opposed by Hirsch, Scheuerman & Limburg for the American Trust and Savings Bank of Chicago, Shearman & Sterling for the Second National Bank of this city and Max D. Steuer for Rosenshine Bros. of this city.

for Rosenshine Bros. of this city. About eix hundred creditors favored the

Court Calendars This Day.

tion catendar called at 10:30 A. M. Part II.— Ex parte matters.

Surrogate's Court—Ghambers.—For probate— wills of Mary E. Clovan, Imogene T. Parmiee, Margaret L. Harrington, Daniel C. Bingsland, Rev. Morgan J. O'Connell, Mary L. Stone, Evelyn Remeen, David L. Einstein at 10:30 A. M. City Court—Special Term.—Court opens at 10 A. M. Motions.

The Garfield National Bank

Announces its

REMOVAL

from 6th Avenue and 23rd Street to the

FIFTH AVENUE BUILDING

(5th Avenue, Broadway and 23rd Street)

Inspection is invited of its conveniently located and commodious new banking room which is fully equipped with every facility to insure perfect banking service.

LEASED FOR \$2,475,000

Chief Justice Gummere of the Suprem Court of New Jersey yesterday issued to Gaedo & Gaedo and Leon Abbot, attornevs for the Atlantic Boat Club, an order tion of the Mayor and Council of Hoboken and the North German Lloyd Steamship Company regarding an ordinance granting a lease to the company of the shore front opposite Hudson Square Park. The order is returnable in Newark on August 9. Hudson Square Park was deeded to the city of Hoboken about fifty years ago by the late John Stevens of Castle Point, but with the provise that the basin in front of it be maintained in perpetuity clear and unobstructed. Since that time

clear and unobstructed. Since that time until a few months ago the basin, which is the only piece of open waterfront in the city, has been used as a public landing place for small boats as well as the home of a number of rowing and yacht clubs.

On November 25 last the city granted a lease of the basin to the steamship company for docking purposes for ninetynine years at an annual rental of \$25,000. Preparations to clean, dredge and spile the basin were at once begun, and most of the clubs after negotiations with the steamship company agreed to forsake their old homes for a consideration, which considerations are said to have ranged from \$15,000 down.

The Atlantic, however, refused to vacate, and in the name of two of its members. Conrad Theis and John Marx, instituted the proceedings resulting in the order.

Public Hearing on & Cent Fare to Coney. The Coney Island and Brooklyn Rapid Transit Company having refused to agree to the suggestion made by the Public Service Commission that passangers could be profitably carried to Coney Island for

be profitably carried to Coney Island for a five cent fare on days other than Saturdays. Sundays and holidays the commission will now take steps to order that only a five cent fare be charged on week days. Before this can be done a public hearing must be held. The hearing will take place on August 11. That the company expects the order will be issued is shown by the fact that it has announced that if a five cent fare is ordered it will bring injunction proceedings and test the matter.

for a swim, and when he appeared yesterday in the company of two friends. Herman Joch, Jr., and Gustav Hagen, a number of people collected as usual on the dock to watch his clever work in the water.

In response to a dare of one of the onlookers he dived backward off the string-piece, a feat he had performed successfully many times before, but after disappearing under the yellow water he did not come to the surface. The body has not been recovered.

SUGAR MAN SAYS IT'S TOO LATE Hoboken Small Boat Basin, of Which the To Prosecute Him for What He Did in

Thomas B. Harned, who was jointly indicted with the officers and dir of the American Sugar Refining Co pany, withdrew yesterday his tentative to show cause why a writ of certiorari plea of not guilty and pleaded the statute should not be granted reviewing the ac- of limitations as exempting him from of limitations as exempting him from liability. He was represented before Judge Hand in the Criminal Branch-of the United States Circuit Court by Leavitt

for conspiracy in restraint of interstate and foreign trade. He says that his prosecution is barred by section 1041 of the Revised Statutes of the United States, in that the indictment was not found within two years after the offences are alleged to have been committed. In the indictment it is alleged that Harned on December 30, 1906, as president of the Champion Construction Company, transferred to Gustave V. Kissel 25,000 shares of the capital stock of the Pennsylvania Sugar Refining Company which could be voted under a proxy at all stockholders' meetings, and in pursuance of this agreement Kissel did attend a stockholders' meeting on December 30, 1903, and vote as director in favor of the adoption of a resolution closing up the company's plant.

EXPERT DIVER DROWNED.

Walter Rauschenbach, a machinist, 29 years old, of 411 Eighth street, West New York, was drowned yesterday while giving an exhibition of expert diving off

the Fifteenth street dock, Heboke medals for diving and swimming and wa at one time a professional life saver, was in the habit of going to the dock daily for a swim, and when he appeared yes-terday in the company of two friends, Herman Joch, Jr., and Gustav Hagen, a number of people collected as usual on the dock to watch his clever work in the

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